

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICKIE THOMAS, )  
Petitioner, ) CASE NO. C05-256-JLR-MJB  
v. )  
REED HOLTGEERTS, ) ORDER DISMISSING § 2254 PE  
Respondent. )

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and

**ORDER:**

## ORDER:

- (1) The Court adopts the Report and Recommendation.
  - (2) Petitioner's petition for a writ of habeas corpus (Dkt. #4, #7) is DISMISSED without prejudice.
  - (3) The Clerk is directed to send a copy of this Order to petitioner and to Judge Benton.

DATED this 7th day of July, 2005.

s/James L. Robart

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JAMES L. ROBART  
United States District Judge

## ORDER DISMISSING PETITION